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MAILED
FROM DIRECTORS OFFICE

MAR 16 2005

TECHNOLOGY CENTER 3600

In re Application of
Yao-Hsun Huang
Application No. 10/600,327
Filed: June 23, 2003
For: WATER SUCK DEVICE FOR FEEDING
FAVORITE DOMESTIC ANIMALS

:
:
: **DECISION ON PETITION**
:
: **TO WITHDRAW THE**
: **HOLDING OF ABANDONMENT**

This is a decision on applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on September 20, 2004.

The petition is **DISMISSED**.

A review of the file record reveals that a First Office Action was mailed to applicant on December 8, 2003. Since a response was not received before the expiration of the six-month statutory period for reply, the application became abandoned, and a Notice to that effect was mailed on August 12, 2004.

Applicant contends that the Office Action mailed December 8, 2003 was not received.

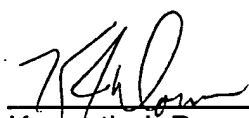
There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, that would have handled the Office communication. Applicant should also include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records, or other method which would serve as a reminder of a response due date, should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept,

failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.



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KJD/rwg: 2/02/05